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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,710	01/16/2001	Konstantinos Poulakis	41145	7776
7590 08/04/2008				
Mark S Bicks Roylance Abrams Berdo & Goodman 1300 19th Street N W Suite 600 Washington, DC 20036			EXAMINER RHEE, JANE J	
			ART UNIT 1795	PAPER NUMBER
			MAIL DATE 08/04/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: KONSTANTINOS POULAKIS and AXEL SCHULTE

Application No. 09/743,710
Technology Center 1700
Mailed: August 4, 2008

Before Dale M. Shaw, Chief Appeals Administrator

Shaw, Chief Appeals Administrator.

The Board of Patent Appeals and Interferences (Board) electronically received this application on May 10, 2008. The application is not ready for review and consideration by the Board for the reason(s) noted below. Accordingly, the application is herewith being returned to the Examiner to take action consistent with the guidance provided by this order.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

EXAMINER'S ANSWER

On November 14, 2007, an Examiner's Answer was mailed that included a new ground of rejection of Claims 9-18 are rejected under 35 U.S.C. § 112, first paragraph.

When a new ground of rejection is introduced in the Examiner's Answer, the Examiner is required to obtain approval of the Technology Center Director or their designee. *Manual of*

Application No. 09/743,710

Patent Examining Procedure, §1207.03(I).

Further, it is should be noted that Section 1207.05 of the Manual of Patent Examining Procedure (MPEP) (Eighth Edition, Rev. 3, August 2005) states that “[e]very supplemental examiner’s answer must be approved by a Technology Center (TC) Director or designee.” The Examiner’s Answer mailed November 14, 2007, mailed in response to the Board of Patent Appeal and Interference Panel Remand mailed September 28, 2006, is considered a Supplemental Examiner’s Answer.

There is no indication on the record that the Technology Center Director or designee approved the Supplemental Examiner’s answer and the new ground of rejection.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) to vacate the Examiner’s Answer mailed November 14, 2007;
- 2) issue a Revised or Supplemental Examiner’s Answer that includes the appropriate approval of the the Technology Center Director or designee; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797

CAA/DCAA/CTA/DCTA initials:DMS

DMS/dpv

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